

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Help Prevent Identity Theft**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 33 MRSA §651-B** is enacted to read:

### **§ 651-B. Privacy protection**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Personally identifiable information" means one or more of the following specific unique identifiers when combined with an individual's name:

(1) Social security number;

(2) Driver's license number or state identification card number;

(3) Financial institution account number and credit, debit or charge card number; and

(4) Date of birth.

B. "Preparer" means the person or entity that creates, drafts, edits, revises or last changes the documents that are recorded with the register of deeds.

**2. Inclusion of personally identifiable information.** Notwithstanding any provision of law to the contrary, the preparer of a document may not include an individual's personally identifiable information in a document that is prepared and presented for recording in the registry office. This subsection does not apply to documents that were executed by an individual prior to the effective date of this subsection.

**3. Redaction on registry's website.** If a document that includes an individual's personally identifiable information was recorded with the register of deeds prior to the effective date of this subsection and is available on the registry's publicly accessible website, the individual may request that the register of deeds redact that personally identifiable information from the website record. The register shall establish a procedure by which individuals make such requests at no fee to the requesting individual. The register shall comply with an individual's request to redact personally identifiable information.

**4. Liability of preparer.** A preparer who violates subsection 2 is liable to the individual whose personally identifiable information appears in the recorded public document for damages of up to \$500 for each act of recording.

**5. Liability of register of deeds.** The register of deeds is not liable for any claims arising from a violation of this section.

**6. Application.** This section does not apply to federal tax liens or other documents required by federal law to contain personally identifiable information that are filed or recorded in the registry office.

## SUMMARY

This bill prohibits the preparer of documents from including an individual's personally identifiable information in a document recorded in the registry of deeds.